

**Long-Term Care Commission**  
**June 26, 2006**  
**Capitol View Building, Lansing Michigan**  
1:00 pm – 4:00 pm  
**MINUTES**

**COMMISSIONERS IN ATTENDANCE:** Marsha Moers, RoAnne Chaney, Christine Chesny, Linda Ewing, Andrew Farmer, James Francis-Bohr, William Gutos, Dohn Hoyle, Sandra Kilde, William Mania, Yolanda McKinney, Linda Mulligan, Jon Reardon, Wendall Stone, Hollis Turnham, Toni Wilson,

**COMMISSIONERS ABSENT:** Reverend Charles Williams II

**EX OFFICIO AND OTHER MEMBERS IN ATTENDANCE:** Mary Ablan, Patrice Eller, Michael Head, Sharon Gire, Sarah Slocum, Vickie Enright

**HANDOUTS:** Agenda; Minutes; Legislative Analysis of the LTC Continuum Bill (HB 5762-Substitute H-2, and House Bill 5919-Substitute H-1); Grid of Sections of House bill 5762(H-2); Reginal Carter memorandum to House Speaker DeRoch re: HB 5389; themed Health Care Association of Michigan Single Point of Entry Legislative Issues; House Bill 5389 (Substitute H-1); Legislative Analysis of House Bill 5389 (Substitute H-1); AARP Michigan Response to Health Care Association of Michigan's Concerns; Health Care for Workers, An Initiative of the Paraprofessional Healthcare institute; Press Release Announcing the Four Long-Term Care Demonstration Sites; Updated List of Commission Members; Executive Order 2006-4; Executive Order 2005-14; Executive Order 2004-1; Summary of Long-Term Care Task Force Recommendations; Memorandum to Marsha Moers regarding a Letter of Support for the Deficit Reduction Act Money Follows the Person Grant; Draft of the Letter of Support for the Money Follows the Person Grant; Letter from Marsha Moers to the Commissioners regarding the Deficit Reduction Act Federal Requirement of Proof of Citizenship; CMS State Medicaid Director's Letter regarding the Proof of Citizenship; CMS Medicaid Fact Sheet Regarding the Proof of Citizenship; Notice of CMS Guidelines for the Proof of Citizenship; Copy of an E-mail from Glenna Taylor (CMS) Regarding the Proof of Citizenship; Citizenship Documentation Provision of Deficit Reduction Act; Michigan State Housing Development Authority Memorandum Regarding the Continuing Care Retirement Communities Demonstration Program Parameters; Request for a Letter of Support Regarding the Medicaid Infrastructure Grant

- I. Call to Order, Welcome, and Introductions** – The meeting was called to order at 1:05pm by the Chair. Members of the Commission, Ex Officio representatives, and the public introduced themselves. The Chair announced and welcomed Michael Head as the new Director of the Office of Long-Term Care Supports and Services.

The four single point of entry demonstration sites were announced via a Governor's press release. They include UPCAP, southwest Michigan, Detroit, and west Michigan. Several decisions were made in the process of reviewing the Requests for Proposals: the single point of entry agency had to be separate from the provider agencies in governance and other aspects; there had to be consumers on the board; the staff and board had to be separate from the provider agency. The Office of Long-Term Care Supports and Services is in the process of finalizing the statement of work, budgets for each agency and contract negotiations. The Office hopes to meet with the four agencies the first week of July with the agencies being operational by October 2006. The Office will send the Commission the statement of work when it is finalized. Various workgroups will be created to develop quality management, data collection, and outcome measures for the agencies.

- II. Approval of Agenda** – Motion to approve agenda by Chesny, second by Reardon. Agenda approved by voice vote.
- III. Approval of Minutes** – For purposes of clarity, it was noted that minutes should always reflect an agency's full name (e.g., Health Care Association of Michigan) rather than use acronyms. Page 2 is

corrected to reflect that David Finkbeiner represents the Michigan Health and Hospital Association. Motion to approve by Farmer, second by Chesny. The minutes were approved as corrected by voice vote.

#### **IV. New Business**

**1. Review of Charges and Roles Clarification** – An updated list of members and whom they represent was distributed. The charges to the Commission as delineated in the Executive Order, were reviewed. It was noted that the Michigan Care Advisory Council has the same responsibilities. Turnham asked if the department had determined how best to coordinate all the groups that have a role in policy input. Head indicated that this issue is one the department will address. Farmer asked if the department was doing anything with the health information network (electronic medical records database). This initiative is primarily health care related and does not include long-term care at this time. Clarification will be sought. Chesny asked if legislation was part of the Commission's charge. The Chair indicated this would be up to the Commission to decide. Chaney noted that response to legislation was included in the charges.

**2. House Bill 5762 LTC Continuum** - Stacey Hettinger provided a summary of this legislation which is under consideration on the House floor. Kilde inquired about the continued tax exempt status of health facilities. It was noted that health facilities are still defined in the Public Health Code and this new legislation does not change that. Wilson noted that the Commission structure defined in the legislative analysis differs from the Executive Order. Hettinger indicated that the actual legislation was correct and will address the analysis with the proper office. Turnham asked about the best way to advise the legislature, as this is one of the charges to the Commission. Hettiger noted it was best to find a few key legislators, chairs of subcommittees and vice chairs (minority and majority chairs) that support the Commission's charges and keep them informed of long-term care issues.

#### **3. Deficit Reduction Act**

**a. Money Follows the Person Demonstration Grant** – The solicitation has not been released by CMS. The Office is requesting the Commission to authorize the Executive Committee, or other appointed committee, to remain in touch with the Office over the summer and, if necessary, provide a letter of support for this grant. This is a 2-4 year grant that would provide 78% federal match for services provided to consumers transitioned from an institutional setting. The grant will provide us an opportunity to operationalize many of the Task Force's Money Follows the Person recommendations. CMS is giving preference to states that propose to serve multiple populations (e.g., long-term care, persons with developmental disabilities, persons with traumatic brain injuries, ventilator dependent individuals). Mania expressed concern about the 6-month minimum- 2-year maximum stay in the nursing facility target group. It was noted that this time frame is in the federal grant and it does not preclude anyone who doesn't meet those timeframes from leaving the facility but rather precludes receiving enhanced federal funding for those individuals. Chaney reiterated a need to ensure integrity of the existing transition policy for people who have been in nursing facilities for less than 6 months. Hoyle encouraged inclusion of persons with developmental disabilities, specifically those served at the Mt. Pleasant Center.

Turnham moved that the Commission authorize the Executive Committee to complete a letter of support for this grant, or if necessary to create a voluntary subcommittee to work with the Office on the grant. Hoyle seconded. Motion approved.

**b. Proof of Citizenship** – Logan Dreasky, Manager, Eligibility Policy, Medical Services Administration, provided a status of Medicaid's progress regarding the federal requirement of proof of citizenship effective July 1, 2006 in order to receive Medicaid. The Medical Services Administration has been in contact with CMS regarding this issue; there are still many unanswered questions. CMS has determined a hierarchy of original or certified documents

that may be used for new Medicaid applicants. Proof will be required for existing beneficiaries at their next redetermination. In all instances, proof needs to be provided only once. Michigan's biggest concern at this time is that there are no exceptions to this policy, regardless of a consumer's ability to participate in the process. Implementation issues for Michigan include: unrealistic timelines; unnecessary burden on the elderly and persons with disabilities who may lack necessary documents; unnecessary burden on children; ability to utilize electronic matches with vital records; timelines for providing required documentation.

Due to lack of clarity, MSA is ignoring the July 1 implementation date and is more likely to implement effective September 1, 2006. In the long run there is some risk of losing federal match if the State does not comply as CMS will be creating review teams to assure that states are meeting the requirement. CMS is drafting technical amendments to the regulations; MSA is sending letters of support for those amendments. The Department of Human Services has issued an L-letter (attached) to their staff regarding this issue. The Medical Services Administration is anticipating distribution of a provider letter as well.

Policy will be distributed for review through established processes. Commissioners interested in being on the policy consultation review mailing list should contact Mary Kay Thelen (373-3860, [thelen@michigan.gov](mailto:thelen@michigan.gov)).

- 4. Affordable Assisted Living Demonstration Project** – Jan Christensen, Gary Heidel, and Gabe Lavowitz presented the Michigan State Housing Development Authority's (MSHDA) proposal for Continuing Care Retirement Communities (CCRC) Demonstration Project. This is a joint collaboration between the Department of Community Health, Department of Human Services, Office of Services to the Aging, and the Michigan State Housing Development Authority. It links low income housing with services and supports. MSHDA is developing a Request for Proposal to be issued in July for six demonstration sites with a total of 400 waiver slots. Slots will be in addition to existing waiver allocations. The demonstrations will not restrict choice, will require coordination with the SPE if one exists in the region. MSHDA will provide funding for capital; DCH will ensure a source of funding for necessary services. It will be included in the 2008 budget. Commissioner Hoyle expressed concern that consumers were not included in the collaboration and that it continues to link services to settings. Farmer indicated that, while licensing issues need further discussion, this initiative will allow us an opportunity to study how this could improve options for consumers. The proposed policy will not affect the Medicaid policy concerning assisted living facilities. Chaney emphasized that funding for medical and home care services should be linked to the consumer, not the facility. It is MSHDA's intent that consumers be able to take the funds for services where ever they want, within legal limits. Chesny summarized the issue by clarifying that this proposal would use housing dollars for assisted living with MIChoice dollars for medical services.
- 5. Medicaid Infrastructure Grant** – Background on the existing grant was provided. The Office of Long-Term Care Supports and Services intends to apply for the 4-year grant to continue current work. A draft letter of support was provided for consideration.  
  
Motion to support by Chaney, second by Mulligan. Motion approved by voice vote authorizing office to send a letter of support as drafted.
- 6. Public Comment** –
  - a) Cindy Viars** – Commended the Commission on their progress and encouraged marketing the single points of entry to consumers, their families and partners to ensure that no one is faced with making uninformed long term care choices like she on behalf of her mother.
  - b) Jericka Richardson** – provided a direct care worker's testimony in support of the single point of entry legislation.
- 7. Old Business**

a) **House Bill 5389 Discussion** – Reardon provided a summary of the Health Care Association of Michigan’s concerns by “theme.” He appreciated the time given the Commission to review and reconsider the issues. Chesny added the following to clarify and summarize the issues:

- Mandatory referral – Lack of mandatory referral requirement waters down the impact. Legislation establishes mandatory referral.
- Funding – The SPE initiative relies on savings that result from decreased nursing facility usage.
- Consumers – There is concern regarding person-centered planning, physician orders, and safety issues. Need to ensure balance between what the person wants and the physicians’ orders, acute care and long term care. Per Farmer, legislation does not address person centered planning.
- Provider-based, including mechanics of the “firewall.” The single point of entry agencies will be required to have governing boards and staff separate from any associated provider organizations. The firewall has been defined and reviewed through the review of the Requests for Proposals. The legislation makes the firewall necessary, staff cannot change it.
- Workforce – where is the workforce for the single point of entry coming from? Michigan has the highest unemployment rate in the nation. Finding the necessary staff is not considered a major issue.

A discussion of pros and cons of the legislation ensued after which the Chair called for a vote to determine consensus for Commission support. Consensus was obtained through a vote of 14 in support and 2 standing aside.

Motion by Mulligan, second by McKinney to send a letter of support from the Commission to House Speaker DeRoche. Motion passed.

b) **Plan for the Future** – A plan is needed, based on the Commission charges, to set future priorities and agendas. Turnham presented a suggested template to be used to chart Task Force recommendation and record progress on implementation of activities. The Chair will contact each Commissioner by telephone to determine which recommendation they wish to work on in preparation for the September Commission meeting. The following Commission members volunteered to take charge of this task:

Recommendation	Commissioner
Workforce	Turnham
Quality management	Slocum
Array of services	McKinney/Kilde/Gire
Financing structures	Chesny

Farmer expressed interest in working on all of the recommendations.

8. **Commissioner Comments** – Reardon distributed “The Least Among Us – A 2004 Analysis of Medicaid in Detroit.” He asked Commissioners to read to understand why the long term care system is in trouble and issues that need to be addressed. Turnham reminded the Commission that July 8<sup>th</sup> is the deadline to register to vote in the August primary. Get out and vote!

9. **Adjournment** – Reardon moved to adjourn, second by Kilde. Motion was passed.

**Next meetings:**

September 25, 1pm – 4pm, Capitol View Building, Conference Rooms A, B & C

October 23, 1pm – 4pm, Michigan Home Health Association, 2140 University Park Drive, Suite 220, Okemos, Mi 48864

November 20, 1pm – 4pm, Capitol View Building, Conference Rooms A, B & C

<b>MOTION</b>	<b>FIRST</b>	<b>SECOND</b>	<b>ACTION</b>
Approval of Agenda	Christine Chesny	Jon Reardon	Passed
Approval of Minutes, as amended	Andrew Farmer	Christine Chesny	Passed
Commission may authorize the Executive Committee to complete a letter of support for this grant, or if necessary to create a voluntary subcommittee to work with the Office on the Money Follows the Person grant.	Hollis Turnham	Dohn Hoyle	Passed
The Office of Long-Term Care Supports and Services requested a letter of support for the Medicaid Infrastructure Grant submission.	RoAnne Chaney	Linda Mulligan	Passed.
Write a letter from the Commission in support of House Bill 5389 Mulligan made the motion, Farmer/McKinney seconded. Motion passed.	Linda Mulligan	Yolanda McKinney	Passed.
Adjournment	Jon Reardon	Sandra Kilde	Passed